

E-filed: 8/27/2008

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RAMBUS INC.,

Plaintiff,

v.

HYNIX SEMICONDUCTOR INC., HYNIX
SEMICONDUCTOR AMERICA INC.,
HYNIX SEMICONDUCTOR
MANUFACTURING AMERICA INC.,

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR, INC.,
SAMSUNG AUSTIN SEMICONDUCTOR,
L.P.,

NANYA TECHNOLOGY CORPORATION,
NANYA TECHNOLOGY CORPORATION
U.S.A.,

Defendants.

No. C-05-00334 RMW

ORDER GRANTING RAMBUS'S MOTION
FOR LEAVE TO FILE MOTION FOR
RECONSIDERATION

[Re Docket No. 2066]

RAMBUS INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR, INC.,
SAMSUNG AUSTIN SEMICONDUCTOR,
L.P.,

Defendants.

No. C-05-02298 RMW

[Re Docket No. 1020]

1 RAMBUS INC.,

2 Plaintiff,

3 v.

4 MICRON TECHNOLOGY, INC., and
5 MICRON SEMICONDUCTOR PRODUCTS,
6 INC.

7 Defendants.

No. C-06-00244 RMW

[Re Docket No. 1415]

8
9 Rambus has filed a motion for leave to file a motion for reconsideration regarding the court's
10 construction of the phrase "memory device" in the Farmwald/Horowitz patents. To ensure that the
11 court has not committed a "[a] manifest failure," the court grants the motion. The court accepts
12 Rambus's attached filing as its opening brief. The Manufacturers have 10 days to file a responsive
13 brief, which is not to exceed 10 pages. Once the Manufacturers' brief has been filed, Rambus may
14 file a reply within 5 days, which is not to exceed 5 pages.

15 Rambus also notes a scrivener's error in the court's prior claim construction. *Rambus Inc. v.*
16 *Hynix Semiconductor Inc.*, --- F. Supp. 2d ----, 2008 WL 2754805 (N.D. Cal. Jul. 10, 2008). The
17 court's construction of "sample / samples / sampling" was "To obtain at a discrete point in time;
18 obtains at discrete points in time; and obtaining at discrete points in time." 2008 WL 2754805, *34-
19 *35. Rambus notes that the construction of "samples" and "sampling" suggests that these actions
20 must occur more than once, i.e., at discrete *points* in time, whereas the court construed "sample" to
21 mean "to obtain at a discrete point in time." This confusion was inadvertent, and Rambus is correct.
22 The court therefore clarifies that "sample / samples / sampling" means "to obtain at a discrete point
23 in time; obtains at a discrete point in time; and obtaining at a discrete point in time."

24 Rambus's proposed clarification of the "sample" terms permits the actions to occur "at one or
25 more discrete points in time." This clarification broadens the court's prior construction without
26 explanation. Whether a device or method requires the action of sampling to occur multiple times
27 will be dictated by the context of the claims. For example, claim 16 of U.S. Patent No. 6,452,863
28 recites a method during which "the first amount of data is sampled over a plurality of clock cycles of

1 the external clock signal." Clearly, in this context "sampled" refers to an act that occurs more than
2 once. On the other hand, claim 9 of U.S. Patent No. 6,426,916 recites a method that includes
3 "sampling the first operation code synchronously with respect to a transition of the external clock
4 signal." In this context, the word "sampling" requires obtaining the value of the first operation code
5 just once to meet the claim's limitation. As it does not appear necessary nor significant to adopt
6 Rambus's additional modification, the court declines to do so.

7
8 DATED: 8/27/2008



RONALD M. WHYTE
United States District Judge

Notice of this document has been electronically sent to counsel in C-05-00334, C-05-02298 and C-06-00244.

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Dated: 8/27/2008

TSF
Chambers of Judge Whyte